

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

MELVIN TURNER, :
Plaintiff : CIVIL ACTION NO. 3:13-CV-848
: :
v. : :
: :
: (JUDGE NEALON)
UNITED STATES OF : (MAGISTRATE JUDGE BLEWITT)
AMERICA, ET AL., :
Defendants : :

ORDER

NOW, THIS 31st DAY OF JULY, 2013, for the reasons set forth in the Memorandum
issued this date, **IT IS HEREBY ORDERED THAT:**

1. The Report and Recommendation, (Doc. 9), is **ADOPTED**:
 - A. Defendant United States and the two unnamed inmates are **DISMISSED with prejudice**;
 - B. The Complaint, (Doc. 1), is **DISMISSED without prejudice** for failure to exhaust;
 - C. Plaintiff's motion for leave to proceed in forma pauperis, (Doc. 2), is **GRANTED** for the sole purpose of filing this action;
2. Plaintiff's motion to appoint counsel, (Doc. 15), is **DENIED**;
3. The Clerk of Court is directed to **CLOSE** this case; and
4. Any appeal will be deemed frivolous, lacking merit, and not taken in good faith.



United States District Judge

FILED
SCRANTON

JUL 31 2013



PER _____
DEPUTY CLERK